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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,578	04/15/2004	Andrew Aaron	728-242	8668

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EXAMINER	
NEWAY, SAMUEL G	
ART UNIT	**PAPER NUMBER**
2626	

MAIL DATE	DELIVERY MODE
12/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/825,578	AARON ET AL.	
	Examiner	Art Unit	
	Samuel G. Neway	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 18-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 18-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is responsive to the Amendment filed on 24 October 2007.

2. Claims 1 – 16, and 18 – 24 are pending.

Response to Amendment

3. The Claim Objections are withdrawn in view of Applicant's amendments.

4. The 35 USC § 112 rejections are withdrawn in view of Applicant's amendments.

5. The 35 USC § 101 rejections are withdrawn in view of Applicant's amendments.

Response to Arguments

6. Applicant's arguments filed 24 October 2007 have been fully considered but they are not persuasive.

Applicant argues that the "spelling of a word is not and cannot be equated with pausing the output from the speech synthesizer of the synthesized speech of the uncommon word" (page 9, last paragraph). The Examiner respectfully disagrees. The claim recites pausing (temporarily stopping) the output of the synthesized speech of the uncommon word when it is determined that a word is uncommon, i.e. the output of the word as synthesized speech is stopped. Luther teaches a system wherein unknown words are able to be either pronounced (synthesized) or spelled out during a speech synthesis process ("It is also possible for an operator to select whether unknown words ... are spelled out or pronounced", col. 5, lines 3-6). When an operator chooses unknown words to be spelled out, the pronouncement of the unknown word (the output

of the word as synthesized speech) is not performed, the speech synthesis is stopped and the unknown word is spelled out instead of being pronounced. Therefore the spelling of an unknown word instead of its pronouncement as disclosed in Luther does indeed read on Applicant's "pausing the output from the speech synthesizer of the synthesized speech of the uncommon word". As a matter of fact any prior art that teaches skipping the speech synthesis of unknown words would read on the limitation "pausing the output from the speech synthesizer of the synthesized speech of the uncommon word" because all that is required by this limitation is that the output of speech synthesis for unknown words is stopped for any subsequent action.

Applicant is reminded that claims are given their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541,550- 551 (CCPA 1969).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 – 2, 8 – 10, 16, 18, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Luther (USPN 5,500,919).

Claim 1:

Luther discloses a method for improving the intelligibility of speech output by a speech synthesizer, comprising the steps of:

determining if uncommon words exist in the text; and if it is determined that an uncommon word exists in the text, pausing the output of the synthesized speech of the uncommon word to offset the uncommon word from its surrounding speech ("It is also possible for an operator to select whether unknown words ... are spelled out", col. 5, lines 3-6).

Claim 2:

Luther discloses the method of claim 1, wherein the determination is made by comparing the input text to common words stored in a database and determining if a word is uncommon if the word is not in the database ("... unknown words that is, words which do not match a spelling dictionary, ...", col. 5, lines 3-6).

Claim 8:

Luther discloses the method of claim 1, wherein the pausing is inserted at least one of before, after and within the uncommon word ("It is also possible for an operator to select whether unknown words ... are spelled out", col. 5, lines 3-6).

Claims 9 – 10, and 16:

Claims 9 – 10, and 16 are similar in scope and content to claims 1 – 2, and 8; they are rejected with the same rationale.

Claims 18 and 24:

Claims 18 and 24 are similar in scope and content to claims 1 and 8; they are rejected with the same rationale.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 3 – 7, 11 – 15, and 19 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luther (USPN 5,500,919) in view of Lu et al (USPN 5,819,260).

Claim 3:

Luther discloses the method of claim 1, but it does not explicitly disclose wherein a word is determined as uncommon if the word is capitalized.

In a phrase recognition method, similar to Luther's word determination, Lu categorizes capitalizes words (proper names) in order to enhance phrase recognition (col. 2, lines 59-61).

It would have been obvious to one with ordinary skill in the art at the time of the invention to use proper names (capitalized words) as uncommon because proper names are rare in spelling dictionaries

Claims 4 and 5:

Luther discloses the method of claim 1, but it does not explicitly discloses wherein the determination is made by using a statistical language model which compares a calculated value with a threshold value and if the calculated value is less than the threshold value the word is determined as uncommon.

In a phrase recognition method, similar to Luther's word determination, Lu processes phrases to determine frequency of occurrence (col. 4, lines 14-15).

It would have been obvious to one with ordinary skill in the art at the time of the invention to determine the frequency of occurrence of a word and label it as uncommon if the frequency is below a threshold because, by definition, uncommon words are rare.

Claims 6 and 7:

Luther discloses the method of claim 1, but it does not explicitly discloses wherein the determination is made by using a prediction algorithm which compares a calculated value with a threshold value and if the calculated value is less than the threshold value the word is determined as uncommon.

In a phrase recognition method, similar to Luther's word determination, Lu processes phrases to determine frequency of occurrence (col. 4, lines 14-15).

It would have been obvious to one with ordinary skill in the art at the time of the invention to determine the frequency of occurrence of a word and label it as uncommon if the frequency is below a threshold because, by definition, uncommon words are rare.

Claims 11 – 15:

Claims 11 – 15 are similar in scope and content to claims 3 – 7; they are rejected with the same rationale.

Claims 19 – 23:

Claims 19 – 23 are similar in scope and content to claims 3 – 7; they are rejected with the same rationale.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER